

AGENDA

PERSONNEL BOARD MEETING

March 14, 2008

9:30 a.m.

1. Call to Order
Swearing in of Board Members – New member Suzanne Cassidy and reappointed member Jackson Andrews
2. Reading of the Minutes of Regular Meeting held February 15, 2008
Minutes Signed
3. Executive Director and Secretary's Report
4. Report of the Personnel Cabinet
 - A. Report on Written Examinations and Selection Methods
Commissioner Carla Hawkins
5. **Petitioned Position(s)** – None
6. **Oral Arguments**
 - A. Campbell, et al. v. Environmental and Public Protection Cabinet and Personnel Cabinet (Request by Appellee)
*** --**Motion** of Appellants' to file Late Response to Personnel Cabinet's Exceptions
*** --Appellee Personnel Cabinet's **Motion** to Strike the Exceptions Filed by Appellants as Untimely
 - B. Diane Compton v. Cabinet for Health and Family Services (Request by Appellee)
7. **Motions**
 - A. Kent Jones v. Education Cabinet
--Appellant's Motion to Enforce Board's Order
*** --Appellee's Response to Motion to Enforce

8. **Investigations**

- A. Department of Public Advocacy – Unfair Promotion Practices (Inv. No. 08-01)
Request by Connie Bell (**Deferred from February**)

--Response by Dan Egbers, Personnel Cabinet
--Response by Mary Ann Palmer, General Counsel, DPA

- B. Department of Veterans Affairs/Transportation Cabinet (Inv. No. 08-03)
Request by Rebecca Smith (**Deferred from February**)

--Response by Dennis Shepherd, Staff Attorney, Department of Veterans Affairs
--Response by Michael Nickles, Staff Attorney for Transportation Cabinet

*** --Second Response by Michael Nickles, Staff Attorney for Transportation Cabinet

9. **Closed Session**

10. **Cases to be Decided**

- A. Campbell, et al. v. Environmental and Public Protection Cabinet and Personnel
Cabinet (pay equity, mine safety positions – appeals sustained)

--Environmental and Public Protection Cabinet's Exceptions and Request for Oral
Argument

--Personnel Cabinet's Exceptions and Request for Argument

--Response of Appellants Campbell, Moore, Casebolt, Hall and Blackburn to
Exceptions of Environmental and Public Protection Cabinet

*** --**Motion** of Appellants' to file Late Response to Personnel Cabinet's Exceptions

*** --Appellee Personnel Cabinet's Motion to Strike the Exceptions Filed by
Appellants as Untimely
(Response to Exceptions **tendered**)

- B. Diane Compton v. Cabinet for Health and Family Services (Reclassification
versus promotion - appeal sustained)

--Appellee's Exceptions and Request for Oral Argument

*** --Appellant's Response to Exceptions

- C. Damon Combs v. Finance and Administration Cabinet (Time discrepancies --
appeal sustained to the extent set forth in the order) (**Deferred from Feb.**)

--Appellee's Exceptions and Request for Oral Argument

- D. Jo Ann Searcy v. Justice and Public Safety Cabinet (Reinstatement and
subsequent dismissal pursuant to court order – appeal dismissed)
(**Deferred from February**)

--Appellant's Exceptions and Request for Oral Argument

--Appellee's Response to Appellant's Exceptions

- E. Joy Anderson v. Justice and Public Safety Cabinet (Reclassification – appeal sustained to the extent of being a detail to special duty)
- F. Kyle Bosh v. Finance and Administration Cabinet (Tuition assistance program, last paycheck withheld – appeal dismissed)
- G. Kristie Clayton v. Cabinet for Health and Family Services (probationary dismissal -- appeal dismissed)
- H. Lisa Coats v. Transportation Cabinet (Leave time – appeal dismissed)
- I. James Drake v. Transportation Cabinet and Anthony Shannon (Promotion – appeal dismissed)
- J. Gary Gribbins v. Justice and Public Safety Cabinet (Dismissal, misconduct – appeal dismissed)
- K. Mary Morgan v. Justice and Public Safety Cabinet (30-day suspension, violation of computer policy– appeal sustained to the extent of a 5-day suspension)

Show Cause Orders – No Response Filed – Appeals Dismissed

- L. Elmer Ray Nelson, Jr. v. Personnel Cabinet
- M. Jennifer Ellis-Ontiveros v. Personnel Cabinet
- N. Walter Ivey v. Personnel Cabinet (2 appeals)
- O. Donald Morrison v. Personnel Cabinet and Transportation Cabinet
*** --Appellant's response untimely filed
- P. Larry Powell v. Justice and Public Safety Cabinet
- Q. Christy Saylor v. Personnel Cabinet
- R. April Whitson v. Justice and Public Safety Cabinet and Personnel Cabinet

11. Withdrawals

- A. Karen Branham v. Education Cabinet
- B. Robin Embry v. Personnel Cabinet (2 appeals)
- C. William Emral III v. Transportation Cabinet
- D. Ronald Fleming v. Personnel Cabinet
- E. Vicky Hall v. Environmental and Public Protection Cabinet and Health and Family Services Cabinet
- F. Jerry Howard v. Personnel Cabinet
- G. Albert Kurtz, Jr. v. Personnel Cabinet
- H. Cory Risk v. Transportation Cabinet
- I. William H. Stewart v. Transportation Cabinet
- *** J. George Bean v. Office of the Attorney General

- *** K. Edwin Clark v. Fayette County Property Evaluation Administrator
- *** L. Amy Hurley v. Personnel Cabinet
- *** M. Donald Winburn v. Justice and Public Safety Cabinet

12. **Settlements**

- A. Rebecca Hunger v. Cabinet for Health and Family Services
- B. Adrienne Perkins v. Transportation Cabinet (mediation)
- C. Justin Rhodes v. Personnel Cabinet
- D. Amber Riley v. Justice and Public Safety Cabinet
- E. Candice Smith v. Environmental and Public Protection Cabinet
- *** F. Charles Holbrook v. Transportation Cabinet v. Smallwood
- *** G. Sheena Pettway v. Commerce Cabinet
- *** H. Barney Thompson v. Commerce Cabinet
- *** I. George Tokarchick, William Mudd and Jack Hancock v. Environmental and
Public Protection Cabinet
- *** J. Claude Wilder v. Transportation Cabinet v. Smallwood

13. **Other**

- A. Amendment to regulation – 101 KAR 1:335